IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1551 OF 2007

Shri.Suryakant Kondiram Gaikwad ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.D.A.Athavale Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 04, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.I-423 of 2006 of Panvel City Police Station. The said case is mainly under Section of 302 IPC.

3. It is the case of the prosecution that deceased had trespassed in the premises of Express Repairing Service Company (ERS) and was committing theft of articles. At that time, employees of the company caught hold of the deceased and handed him over to the security guards. The security guards assaulted

the deceased and tied him to a tree. Though the applicant was not employed as a security guard, but he was working in the said company. The learned A.P.P. states that there are two eye witnesses who have stated that half an hour after the deceased was assaulted by the security guards, the present applicant assaulted the deceased on his back and legs with stick. The cause of death is head injury with multiple contusions over abdomen. The applicant has not assaulted on the head or abdomen. In this view of the matter, I am inclined to grant bail to the applicant.

4. The applicant to be released on bail in the sum of Rs.10,000/- (Rs.ten thousand only) with one or two sureties to make up the said amount in C.R.No.I-423 of 2007 of Panvel City Police Station. The applicant shall report to the concerned Police Station once in a month till the conclusion of trial.

5. Application is disposed of.

[Smt. V.K.Tahilramani, J.]